



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael Lebner

Application No.: 10/626,785

Filing Date: July 24, 2003

Title: DEVICE FOR LACERATION OR INCISION CLOSURE

Art Unit: 3731

Examiner: Erez, D.

Docket No.: 0156-2006US01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with
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DECLARATION UNDER 37 CFR 1.131

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


I, Raymond Barbuto, declare and state as follows:

1. Prior to executing this Declaration, I reviewed with Patent Counsel the claims pending in the subject patent application (copy attached as Exhibit A) with particular attention given to each of the elements of independent Claim 19.

2. It is my understanding that, in order to establish patentability, it may be important to establish conception of the invention as claimed prior to April 14, 2003 (the filing date of cited US Application No. 10/412,967).
3. In early 2003 I was employed by ClozeX Medical, LLC and my title was Vice President.
4. My primary responsibility as Vice President of ClozeX Medical, LLC, and its predecessor, ClozeX, LLC, was the oversight of manufacturing operations which included managing communications with outside contractors and vendors.
5. Prior to April 14, 2003, ClozeX Medical, LLC, had engaged in negotiations with G&L Precision Die Cutting, Inc. of San Jose, CA in connection with the manufacture of wound closure devices.
6. Prior to April 14, 2003, I received from inventor Michael Lebner a hand-drawn diagram representing one component of a two-component wound closure device which, when mated with an otherwise identical component, meets all of the limitations disclosed in element a)i), a)ii) and a)iii) of Claim 19 as shown in Exhibit A (according to discussions with Patent Counsel).
7. Prior to April 14, 2003, I represented the design referred to in item 6 above in digital form in a document saved on my computer hard drive (copy attached as Exhibit B), which document was subsequently transmitted to G&L Precision Die Cutting, Inc. in furtherance of our manufacturing discussions.
8. The document referred to in item 7 above, and attached as Exhibit B, was originally saved on my computer prior to April 14, 2003.
9. Attached as Exhibit C is a printed version of a .pdf file prepared by G&L Precision Die Cutting, Inc. prior to April 14, 2003, which shows the two component device in assembled form which they agreed to deliver.
10. Although the detail shown in Exhibit C does not show the detail recited in elements a)i)2) and a)ii)2), it is attached for the purpose of demonstrating the two-component nature of Applicant's invention – at no time was single component depicted in Exhibit B

representative of Applicant's invention as assembly of two independently produced components was required.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature	
Name	Raymond Barbuto
Date	May 29, 2007